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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/795,912	03/08/2004	Richard G. Price	9174	1809

7590

07/06/2005

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EXAMINER

BRAHAN, THOMAS J

ART UNIT

PAPER NUMBER

3652

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/795,912

Applicant(s)

PRICE, RICHARD G.

Examiner

Thomas J. Brahan

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Handwritten initials: *WJ*

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Gay. Gay shows a hay spreading apparatus for mounting on a vehicle and spreading hay, comprising:

a roller drum (28) journaled for rotation on the vehicle (T) and adapted for contacting and spreading the hay responsive to operation of the vehicle.

The apparatus includes fixed booms (15), boom connectors (11) and brackets (26) for spindle (27), as recited in claims 2-4 and 8-11. Gay also has adjustable arms (23) with a fluid cylinder (21), as recited in claims 5-7 and 12-19. The connection to the tractor is a three point hitch, see the last five lines of column one, as recited in claim 20.

3. Claims 1-4 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Turnbow. Turnbow shows a hay spreading apparatus for mounting on a vehicle and spreading hay, comprising:

a roller drum (18 or 18') journaled for rotation on the vehicle (T) and adapted for contacting and spreading the hay responsive to operation of the vehicle (as the vehicle drives the hydraulic motors 26 and 26').

The booms (3) are fixed in place during use, as recited in claims 2-4 and 8-11.

4. Claims 1, 5-7 and 12-19 are rejected under 35 U.S.C. § 102(b) as being anticipated by Townsend. Townsend shows a hay spreading apparatus for mounting on a vehicle and spreading hay, comprising:

a roller drum (33) journaled for rotation on the vehicle (12) and adapted for contacting and spreading the hay responsive to operation of the vehicle.

5. Claims 1-4 and 8-11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Keyes et al. Keyes et al. shows a hay spreading apparatus for mounting on a vehicle and spreading hay, with a roller drum (27) journaled for rotation on the vehicle (2) and adapted for contacting and spreading the hay responsive to operation of the vehicle, see the first line of column three. The booms (of the support frame) are fixed in place during use, as recited in claims 2-4 and 8-11.

6. Gebhart, Cortopassi, Forster, Southard et al, Pelazza, Brouwer et al and Yates are cited as showing related vehicles with rollers.

7. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Brahan whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (571) 272-6928. The fax number for all patent applications is (703) 872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions regarding access to the Private PAIR system, should be directed to the

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Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*T. J. Brahan 6/25/05*

Thomas J. Brahan  
Primary Examiner  
Art Unit 3652